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Attorneys for Plaintiff
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUSTIN YOSHIO IBARRA,

Defendant.

No. 8:22-cr-00165-DOC

PLEA AGREEMENT FOR DEFENDANT
JUSTIN YOSHIO IBARRA

1. This constitutes the plea agreement between defendant Justin Yoshio Ibarra ("defendant") and the United States Attorney's Office for the Central District of California (the "USAO") in the investigation of defendant's possession of child pornography on June 9, 2021, at his home in La Habra, California. This agreement is limited to the USAO and cannot bind any other federal, state, local, or foreign prosecuting, enforcement, administrative, or regulatory authorities.

DEFENDANT'S OBLIGATIONS

2. Defendant agrees to:

a. Give up the right to indictment by a grand jury and, at the earliest opportunity requested by the USAO and provided by the Court, appear and plead guilty to a single-count information in the form attached to this agreement as Exhibit A or a substantially similar form, which charges defendant with possession of child pornography in violation of Title 18, United States Code, Sections 2252A(a) (5) (B) and (b) (2).

b. Not contest facts agreed to in this agreement.

c. Abide by all agreements regarding sentencing contained in this agreement.

d. Appear for all court appearances, surrender as ordered for service of sentence, obey all conditions of any bond, and obey any other ongoing court order in this matter.

e. Not commit any crime; however, offenses that would be excluded for sentencing purposes under United States Sentencing Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not within the scope of this agreement.

f. Be truthful at all times with the United States Probation and Pretrial Services Office and the Court.

g. Pay the applicable special assessment at or before the time of sentencing unless defendant has demonstrated a lack of ability to pay such assessments.

h. Agree to and not oppose the imposition of the following conditions of probation or supervised release:

i. Defendant shall register as a sex offender, and keep the registration current, in each jurisdiction where defendant

1 resides, where defendant is an employee, and where defendant is a
2 student, to the extent the registration procedures have been
3 established in each jurisdiction. When registering for the first
4 time, defendant shall also register in the jurisdiction in which the
5 conviction occurred if different from defendant's jurisdiction of
6 residence. Defendant shall provide proof of registration to the
7 Probation Officer within three days of defendant's placement on
8 probation/release from imprisonment.

9 ii. Defendant shall participate in a psychological
10 counseling and/or psychiatric treatment and/or a sex offender
11 treatment program, which may include inpatient treatment upon order
12 of the Court, as approved and directed by the Probation Officer.
13 Defendant shall abide by all rules, requirements, and conditions of
14 such program, including submission to risk assessment evaluations and
15 physiological testing, such as polygraph and Abel testing, but the
16 defendant retains the right to invoke the Fifth Amendment. The
17 Probation Officer shall disclose the presentence report and/or any
18 previous mental health evaluations or reports to the treatment
19 provider.

20 iii. As directed by the Probation Officer, and subject
21 to defendant's ability to pay as determined by the Probation Officer,
22 defendant shall pay all or part of the costs of treating defendant's
23 psychological/psychiatric disorder(s) to the aftercare contractor
24 during the period of community supervision, pursuant to 18 U.S.C.
25 § 3672. Defendant shall provide payment and proof of payment as
26 directed by the Probation Officer.

27 iv. Defendant shall not view or possess any
28 materials, including pictures, photographs, books, writings,

1 drawings, videos, or video games, depicting and/or describing child
2 pornography, as defined in 18 U.S.C. § 2256(8), or sexually explicit
3 conduct depicting minors, as defined at 18 U.S.C. § 2256(2). The
4 defendant shall not possess or view any materials such as videos,
5 magazines, photographs, computer images or other matter that depicts
6 "actual sexually explicit conduct" involving adults as defined by 18
7 U.S.C. § 2257(h)(1). This condition does not prohibit defendant from
8 possessing materials solely because they are necessary to, and used
9 for, a collateral attack, nor does it prohibit defendant from
10 possessing materials prepared and used for the purposes of
11 defendant's Court-mandated sex offender treatment, when defendant's
12 treatment provider or the probation officer has approved of
13 defendant's possession of the materials in advance.

14 v. Defendant shall not associate or have verbal,
15 written, telephonic, or electronic communication with any person
16 under the age of 18, except: (a) in the presence of the parent or
17 legal guardian of said minor; and (b) on the condition that defendant
18 notifies said parent or legal guardian of defendant's conviction in
19 the instant offense/prior offense. This provision does not encompass
20 persons under the age of 18, such as waiters, cashiers, ticket
21 vendors, etc., with whom defendant must interact in order to obtain
22 ordinary and usual commercial services.

23 vi. Defendant shall not frequent, or loiter, within
24 100 feet of school yards, parks, public swimming pools, playgrounds,
25 youth centers, video arcade facilities, or other places primarily
26 used by persons under the age of 18.

27 vii. Defendant shall not affiliate with, own, control,
28 volunteer or be employed in any capacity by a business or

1 organization that causes defendant to regularly contact persons under
2 the age of 18.

3 viii. Defendant shall not affiliate with, own, control,
4 or be employed in any capacity by a business whose principal product
5 is the production or selling of materials depicting or describing
6 "sexually explicit conduct," as defined at 18 U.S.C. § 2256(2).

7 ix. Defendant shall not own, use or have access to
8 the services of any commercial mail-receiving agency, nor shall
9 defendant open or maintain a post office box, without the prior
10 written approval of the Probation Officer.

11 x. Defendant's employment shall be approved by the
12 Probation Officer, and any change in employment must be pre-approved
13 by the Probation Officer. Defendant shall submit the name and
14 address of the proposed employer to the Probation Officer at least
15 ten days prior to any scheduled change.

16 xi. Defendant shall not reside within direct view of
17 school yards, parks, public swimming pools, playgrounds, youth
18 centers, video arcade facilities, or other places primarily used by
19 persons under the age of 18. Defendant's residence shall be approved
20 by the Probation Officer, and any change in residence must be pre-
21 approved by the Probation Officer. Defendant shall submit the
22 address of the proposed residence to the Probation Officer at least
23 ten days prior to any scheduled move.

24 xii. Defendant shall submit defendant's person, and
25 any property, house, residence, vehicle, papers, computer, other
26 electronic communication or data storage devices or media, and
27 effects to search at any time, with or without warrant, by any law
28 enforcement or Probation Officer with reasonable suspicion concerning

1 a violation of a condition of probation/supervised release or
2 unlawful conduct by defendant, and by any Probation Officer in the
3 lawful discharge of the officer's supervision function.

4 xiii. Defendant shall possess and use only those
5 computers and computer-related devices, screen user names, passwords,
6 email accounts, and internet service providers ("ISPs") that have
7 been disclosed to the Probation Officer upon commencement of
8 supervision. Any changes or additions are to be disclosed to the
9 Probation Officer prior to defendant's first use. Computers and
10 computer-related devices include personal computers, personal data
11 assistants ("PDAs"), internet appliances, electronic games, cellular
12 telephones, and digital storage media, as well as their peripheral
13 equipment, that can access, or can be modified to access, the
14 internet, electronic bulletin boards, and other computers.

15 xiv. All computers, computer-related devices, and
16 their peripheral equipment, used by defendant shall be subject to
17 search and seizure. This shall not apply to items used at the
18 employment's site that are maintained and monitored by the employer.

19 xv. Defendant shall comply with the rules and
20 regulations of the Computer Monitoring Program. Subject to
21 defendant's ability to pay as determined by the Probation Officer,
22 defendant shall pay the cost of the Computer Monitoring Program, in
23 an amount not to exceed \$32 per month per device connected to the
24 internet.

25 THE USAO'S OBLIGATIONS

26 3. The USAO agrees to:

27 a. Not contest facts agreed to in this agreement.
28

1 b. Abide by all agreements regarding sentencing contained
2 in this agreement.

3 c. At the time of sentencing, provided that defendant
4 demonstrates an acceptance of responsibility for the offense up to
5 and including the time of sentencing, recommend a two-level reduction
6 in the applicable Sentencing Guidelines offense level, pursuant to
7 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an
8 additional one-level reduction if available under that section.

9 d. Recommend that defendant be sentenced to a term of
10 imprisonment no higher than 60 months.

11 NATURE OF THE OFFENSE

12 4. Defendant understands that for defendant to be guilty of
13 the crime charged in the indictment, that is, possession of child
14 pornography, in violation of Title 18, United States Code, Sections
15 2252A(a)(5)(B) and (b)(2), the following must be true: (i) defendant
16 knowingly possessed matters that defendant knew contained visual
17 depictions of a minor engaged in sexually explicit conduct; (ii)
18 defendant knew the visual depiction contained in the matters showed a
19 minor engaged in sexually explicit conduct; (iii) defendant knew that
20 production of such a visual depiction involved use of a minor in
21 sexually explicit conduct; and (iv) each visual depiction had been
22 (a) mailed, shipped, or transported using any means or facility of
23 interstate commerce or in or affecting interstate commerce, or (b)
24 produced using any means or facility of interstate or foreign
25 commerce or shipped or transported in or affecting interstate or
26 foreign commerce by any means, including by computer.

27 5. Defendant understands that for defendant to be subject to
28 the statutory maximum sentence set forth below, the government must

1 prove beyond a reasonable doubt that at least one visual depiction
2 possessed by defendant involved a prepubescent minor, or a minor who
3 had not attained 12 years of age, engaged in sexually explicit
4 conduct. Defendant admits that defendant, in fact, possessed images
5 and videos that depicted prepubescent minors, or minors who had not
6 attained 12 years of age, engaged in sexually explicit conduct.

7 PENALTIES AND RESTITUTION

8 6. Defendant understands that the statutory maximum sentence
9 that the Court can impose for a violation of Title 18, United States
10 Code, Sections 2252A(a)(5)(B) and (b)(2), is: 20 years' imprisonment;
11 a lifetime period of supervised release; a fine of \$250,000 or twice
12 the gross gain or gross loss resulting from the offense, whichever is
13 greatest; and a mandatory special assessment of \$100.

14 7. Defendant understands that the statutory mandatory minimum
15 sentence that the Court must impose for a violation of Title 18,
16 United States Code, Sections 2252A(a)(5)(B) and (b)(2) is: a five-
17 year period of supervised release and a mandatory special assessment
18 of \$100.

19 8. Defendant understands that, pursuant to the Justice for
20 Victims of Trafficking Act of 2015, the Court shall impose an
21 additional \$5,000 special assessment if the Court concludes that
22 defendant is a non-indigent person, to be paid after defendant's
23 other financial obligations have been satisfied.

24 9. Defendant understands that, pursuant to 18 U.S.C. § 2259A,
25 the Court may impose an additional special assessment of up to
26 \$17,000.

27 10. Defendant understands that defendant will be required to
28 pay full restitution to the victim(s) of the offense to which

1 defendant is pleading guilty. Defendant agrees that, in return for
2 the USAO's compliance with its obligations under this agreement, the
3 Court may order restitution to persons other than the victim(s) of
4 the offense to which defendant is pleading guilty. In particular,
5 defendant agrees that the Court may order restitution to any victim
6 of any of the following for any losses suffered by that victim as a
7 result: any relevant conduct, as defined in U.S.S.G. § 1B1.3, in
8 connection with the offense to which defendant is pleading guilty.
9 Defendant understands that, under the Amy, Vicky, and Andy Child
10 Pornography Victim Assistance Act of 2018, the Court shall impose a
11 restitution amount of not less than \$3,000 per victim.

12 11. Defendant understands that supervised release is a period
13 of time following imprisonment during which defendant will be subject
14 to various restrictions and requirements. Defendant understands that
15 if defendant violates one or more of the conditions of any supervised
16 release imposed, defendant may be returned to prison for all or part
17 of the term of supervised release authorized by statute for the
18 offense that resulted in the term of supervised release, which could
19 result in defendant serving a total term of imprisonment greater than
20 the statutory maximum stated above.

21 12. Defendant understands that as a condition of supervised
22 release, under Title 18, United States Code, Section 3583(d),
23 defendant will be required to register as a sex offender. Defendant
24 understands that independent of supervised release, he will be
25 subject to federal and state registration requirements, for a
26 possible maximum term of registration up to and including life.
27 Defendant further understands that, under Title 18, United States
28 Code, Section 4042(c), notice will be provided to certain law

1 enforcement agencies upon his release from confinement following
2 conviction.

3 13. Defendant understands that, by pleading guilty, defendant
4 may be giving up valuable government benefits and valuable civic
5 rights, such as the right to vote, the right to possess a firearm,
6 the right to hold office, and the right to serve on a jury.
7 Defendant understands that he is pleading guilty to a felony and that
8 it is a federal crime for a convicted felon to possess a firearm or
9 ammunition. Defendant understands that the conviction in this case
10 may also subject defendant to various other collateral consequences,
11 including but not limited to revocation of probation, parole, or
12 supervised release in another case and suspension or revocation of a
13 professional license. Defendant understands that unanticipated
14 collateral consequences will not serve as grounds to withdraw
15 defendant's guilty plea.

16 14. Defendant and his counsel have discussed the fact that, and
17 defendant understands that, if defendant is not a United States
18 citizen, the conviction in this case makes it practically inevitable
19 and a virtual certainty that defendant will be removed or deported
20 from the United States. Defendant may also be denied United States
21 citizenship and admission to the United States in the future.
22 Defendant understands that while there may be arguments that
23 defendant can raise in immigration proceedings to avoid or delay
24 removal, removal is presumptively mandatory and a virtual certainty
25 in this case. Defendant further understands that removal and
26 immigration consequences are the subject of a separate proceeding and
27 that no one, including his attorney or the Court, can predict to an
28 absolute certainty the effect of his conviction on his immigration

1 status. Defendant nevertheless affirms that he wants to plead guilty
2 regardless of any immigration consequences that his plea may entail,
3 even if the consequence is automatic removal from the United States.

4 FACTUAL BASIS

5 15. Defendant admits that defendant is, in fact, guilty of the
6 offense to which defendant is agreeing to plead guilty. Defendant
7 and the USAO agree to the statement of facts provided below and agree
8 that this statement of facts is sufficient to support a plea of
9 guilty to the charge described in this agreement and to establish the
10 Sentencing Guidelines factors set forth in paragraph 17 below but is
11 not meant to be a complete recitation of all facts relevant to the
12 underlying criminal conduct or all facts known to either party that
13 relate to that conduct.

14 On June 9, 2021, Fullerton Police Department officers searched
15 defendant's home in La Habra, California, within the Central District
16 of California. Officers seized numerous devices from defendant's
17 home, including an Apple Mac Pro computer, model number A1289,
18 bearing serial number YM0340BJEUH. The computer belonged to
19 defendant, and defendant was the sole user of the computer. A
20 forensic review of the Apple Mac Pro computer identified
21 approximately 1,300 videos of child pornography, including three
22 videos titled "(Pthc) New 2016 Pedo Childlover 8Yo Daddy's Little
23 Girl Jm Compilation Titless Latina.mp4," "Valya - 28.avi," and "pthc
24 - snuff - 12Yo Child Rape and Crying.mpg." At least two of the
25 videos depicted a prepubescent minor and minor who had not attained
26 12 years of age engaging in sexual conduct. At least one video
27 portrayed sadistic or masochistic sexual conduct, particularly
28 bondage, involving a minor child.

1 Defendant admits and agrees that he knew the images and videos
2 that he possessed contained visual depictions of minors engaging in
3 sexually explicit conduct, that he knew each visual depiction
4 contained in the images and videos showed minors engaged in sexually
5 explicit conduct, and that he knew that production of such visual
6 depictions involved use of minors engaged in sexually explicit
7 conduct. Defendant admits and agrees that he knew at least two of
8 the videos that he possessed depicted a prepubescent minor and minor
9 who had not attained 12 years of age engaging in sexual conduct and
10 that at least one video that he possessed portrayed sadistic or
11 masochistic sexual conduct, particularly bondage, involving a minor
12 child.

13 Defendant admits and agrees that the children depicted in the
14 child pornography images and videos are real children, and defendant
15 downloaded the images and videos from the Internet, which is a means
16 and facility of interstate and foreign commerce, using a computer.

17 SENTENCING FACTORS

18 16. Defendant understands that in determining defendant's
19 sentence the Court is required to calculate the applicable Sentencing
20 Guidelines range and to consider that range, possible departures
21 under the Sentencing Guidelines, and the other sentencing factors set
22 forth in 18 U.S.C. § 3553(a). Defendant understands that the
23 Sentencing Guidelines are advisory only, that defendant cannot have
24 any expectation of receiving a sentence within the calculated
25 Sentencing Guidelines range, and that after considering the
26 Sentencing Guidelines and the other § 3553(a) factors, the Court will
27 be free to exercise its discretion to impose any sentence it finds
28

1 appropriate up to the maximum set by statute for the crime of
2 conviction.

3 17. Defendant and the USAO agree to the following applicable
4 Sentencing Guidelines factors:

| | | | |
|---|-------------------------------------|----|--------------------------|
| 5 | Base Offense Level: | 18 | [U.S.S.G. § 2G2.2(a)(1)] |
| 6 | Prepubescent Minor: | +2 | [U.S.S.G. § 2G2.2(b)(2)] |
| 7 | Sadistic or Masochistic Conduct: | +4 | [U.S.S.G. § 2G2.2(b)(4)] |
| 8 | Use of Computer: | +2 | [U.S.S.G. § 2G2.2(b)(6)] |
| 9 | 600+ Images: | +5 | [U.S.S.G. § 2G2.2(b)(7)] |

10
11 Defendant and the USAO reserve the right to argue that additional
12 specific offense characteristics, adjustments, and departures under
13 the Sentencing Guidelines are appropriate. Defendant understands
14 that there is no agreement as to defendant's criminal history or
15 criminal history category.

16 18. Defendant and the USAO reserve the right to argue for a
17 sentence outside the sentencing range established by the Sentencing
18 Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1),
19 (a)(2), (a)(3), (a)(6), and (a)(7).

20 WAIVER OF CONSTITUTIONAL RIGHTS

21 19. Defendant understands that by pleading guilty, defendant
22 gives up the following rights:

- 23 a. The right to persist in a plea of not guilty.
- 24 b. The right to a speedy and public trial by jury.
- 25 c. The right to be represented by counsel - and if
26 necessary have the Court appoint counsel -- at trial. Defendant
27 understands, however, that, defendant retains the right to be
28

1 represented by counsel - and if necessary have the Court appoint
2 counsel - at every other stage of the proceeding.

3 d. The right to be presumed innocent and to have the
4 burden of proof placed on the government to prove defendant guilty
5 beyond a reasonable doubt.

6 e. The right to confront and cross-examine witnesses
7 against defendant.

8 f. The right to testify and to present evidence in
9 opposition to the charges, including the right to compel the
10 attendance of witnesses to testify.

11 g. The right not to be compelled to testify, and, if
12 defendant chose not to testify or present evidence, to have that
13 choice not be used against defendant.

14 h. Any and all rights to pursue any affirmative defenses,
15 Fourth Amendment or Fifth Amendment claims, and other pretrial
16 motions that have been filed or could be filed.

17 WAIVER OF RETURN OF DIGITAL DATA

18 20. Understanding that the government has in its possession
19 digital devices and/or digital media seized from defendant, defendant
20 waives any right to the return of digital data contained on those
21 digital devices and/or digital media and agrees that if any of these
22 digital devices and/or digital media are returned to defendant, the
23 government may delete all digital data from those digital devices
24 and/or digital media before they are returned to defendant.

25 WAIVER OF APPEAL OF CONVICTION

26 21. Defendant understands that, with the exception of an appeal
27 based on a claim that defendant's guilty plea was involuntary, by
28 pleading guilty defendant is waiving and giving up any right to

1 appeal defendant's conviction on the offense to which defendant is
2 pleading guilty. Defendant understands that this waiver includes,
3 but is not limited to, arguments that the statute to which defendant
4 is pleading guilty is unconstitutional, and any and all claims that
5 the statement of facts provided herein is insufficient to support
6 defendant's plea of guilty.

7 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

8 22. Defendant agrees that, provided the Court imposes a total
9 term of imprisonment on all counts of conviction of no more than 87
10 months, defendant gives up the right to appeal all of the following:
11 (a) the procedures and calculations used to determine and impose any
12 portion of the sentence; (b) the term of imprisonment imposed by the
13 Court; (c) the fine imposed by the Court, provided it is within the
14 statutory maximum; (d) to the extent permitted by law, the
15 constitutionality or legality of defendant's sentence, provided it is
16 within the statutory maximum; (e) the term of probation or supervised
17 release imposed by the Court, provided it is within the statutory
18 maximum; and (f) any of the following conditions of probation or
19 supervised release imposed by the Court: the conditions set forth in
20 Second Amended General Order 20-04 of this Court; the drug testing
21 conditions mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d); the
22 alcohol and drug use conditions authorized by 18 U.S.C. § 3563(b)(7);
23 and any conditions of probation or supervised release agreed to by
24 defendant in paragraph 2 above.

25 23. The USAO agrees that, provided (a) all portions of the
26 sentence are at or below the statutory maximum specified above and
27 (b) the Court imposes a term of imprisonment of no less than 36
28

1 months, the USAO gives up its right to appeal any portion of the
2 sentence.

3 RESULT OF WITHDRAWAL OF GUILTY PLEA

4 24. Defendant agrees that if, after entering a guilty plea
5 pursuant to this agreement, defendant seeks to withdraw and succeeds
6 in withdrawing defendant's guilty plea on any basis other than a
7 claim and finding that entry into this plea agreement was
8 involuntary, then the USAO will be relieved of all of its obligations
9 under this agreement.

10 EFFECTIVE DATE OF AGREEMENT

11 25. This agreement is effective upon signature and execution of
12 all required certifications by defendant, defendant's counsel, and an
13 Assistant United States Attorney.

14 BREACH OF AGREEMENT

15 26. Defendant agrees that if defendant, at any time after the
16 signature of this agreement and execution of all required
17 certifications by defendant, defendant's counsel, and an Assistant
18 United States Attorney, knowingly violates or fails to perform any of
19 defendant's obligations under this agreement ("a breach"), the USAO
20 may declare this agreement breached. All of defendant's obligations
21 are material, a single breach of this agreement is sufficient for the
22 USAO to declare a breach, and defendant shall not be deemed to have
23 cured a breach without the express agreement of the USAO in writing.
24 If the USAO declares this agreement breached, and the Court finds
25 such a breach to have occurred, then: (a) if defendant has previously
26 entered a guilty plea pursuant to this agreement, defendant will not
27 be able to withdraw the guilty plea, and (b) the USAO will be
28 relieved of all its obligations under this agreement.

COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICESOFFICE NOT PARTIES

27. Defendant understands that the Court and the United States Probation and Pretrial Services Office are not parties to this agreement and need not accept any of the USAO's sentencing recommendations or the parties' agreements to facts or sentencing factors.

28. Defendant understands that both defendant and the USAO are free to: (a) supplement the facts by supplying relevant information to the United States Probation and Pretrial Services Office and the Court, (b) correct any and all factual misstatements relating to the Court's Sentencing Guidelines calculations and determination of sentence, and (c) argue on appeal and collateral review that the Court's Sentencing Guidelines calculations and the sentence it chooses to impose are not error, although each party agrees to maintain its view that the calculations in paragraph 17 are consistent with the facts of this case. While this paragraph permits both the USAO and defendant to submit full and complete factual information to the United States Probation and Pretrial Services Office and the Court, even if that factual information may be viewed as inconsistent with the facts agreed to in this agreement, this paragraph does not affect defendant's and the USAO's obligations not to contest the facts agreed to in this agreement.

29. Defendant understands that even if the Court ignores any sentencing recommendation, finds facts or reaches conclusions different from those agreed to, and/or imposes any sentence up to the maximum established by statute, defendant cannot, for that reason, withdraw defendant's guilty plea, and defendant will remain bound to

fulfill all defendant's obligations under this agreement. Defendant understands that no one - not the prosecutor, defendant's attorney, or the Court - can make a binding prediction or promise regarding the sentence defendant will receive, except that it will be within the statutory maximum.

NO ADDITIONAL AGREEMENTS

30. Defendant understands that, except as set forth herein, there are no promises, understandings, or agreements between the USAO and defendant or defendant's attorney, and that no additional promise, understanding, or agreement may be entered into unless in a writing signed by all parties or on the record in court.

PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

31. The parties agree that this agreement will be considered part of the record of defendant's guilty plea hearing as if the entire agreement had been read into the record of the proceeding.

AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE
FOR THE CENTRAL DISTRICT OF
CALIFORNIA

STEPHANIE S. CHRISTENSEN
Acting United States Attorney



MELISSA S. RABBANI
Assistant United States Attorney

10/4/2022

Date

JUSTIN YOSHIO IBARRA
Defendant

Date

/s/ Hagop Kuyumjian

8/31/2022

HAGOP KUYUMJIAN
Attorney for Defendant

Date

fulfill all defendant's obligations under this agreement. Defendant understands that no one - not the prosecutor, defendant's attorney, or the Court - can make a binding prediction or promise regarding the sentence defendant will receive, except that it will be within the statutory maximum.

NO ADDITIONAL AGREEMENTS

30. Defendant understands that, except as set forth herein, there are no promises, understandings, or agreements between the USAO and defendant or defendant's attorney, and that no additional promise, understanding, or agreement may be entered into unless in a writing signed by all parties or on the record in court.

PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

31. The parties agree that this agreement will be considered part of the record of defendant's guilty plea hearing as if the entire agreement had been read into the record of the proceeding.

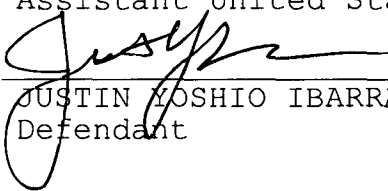
AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE
FOR THE CENTRAL DISTRICT OF
CALIFORNIA

STEPHANIE S. CHRISTENSEN
Acting United States Attorney

MELISSA S. RABBANI
Assistant United States Attorney

Date


JUSTIN YOSHIO IBARRA
Defendant

8/29/2022


Date

HAGOP KUYUMJIAN
Attorney for Defendant

Date

CERTIFICATION OF DEFENDANT

I have read this agreement in its entirety. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. No promises, inducements, or representations of any kind have been made to me other than those contained in this agreement. No one has threatened or forced me in any way to enter into this agreement. I am satisfied with the representation of my attorney in this matter, and I am pleading guilty because I am guilty of the charge and wish to take advantage of the promises set forth in this agreement, and not for any other reason.



JUSTIN YOSHIO IBARRA
Defendant

8/29/2022

Date

CERTIFICATION OF DEFENDANT'S ATTORNEY

I am Justin Yoshio Ibarra's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I have fully advised my client of his rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors

1 set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines
2 provisions, and of the consequences of entering into this agreement.
3 To my knowledge: no promises, inducements, or representations of any
4 kind have been made to my client other than those contained in this
5 agreement; no one has threatened or forced my client in any way to
6 enter into this agreement; my client's decision to enter into this
7 agreement is an informed and voluntary one; and the factual basis set
8 forth in this agreement is sufficient to support my client's entry of
9 a guilty plea pursuant to this agreement.

10 /s/ Hagop Kuyumjian

11 HAGOP KUYUMJIAN
12 Attorney for Defendant

8/31/2022

Date

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6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA
10 SOUTHERN DIVISION

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 JUSTIN YOSHIO IBARRA,
15 Defendant.

No.

I N F O R M A T I O N

[18 U.S.C. §§ 2252A(a) (5) (B),
(b) (2): Possession of Child
Pornography]

16
17 The United States Attorney charges:

18 [18 U.S.C. §§ 2252A(a) (5) (B), (b) (2)]

19 On or about June 9, 2021, in Orange County, within the Central
20 District of California, defendant JUSTIN YOSHIO IBARRA knowingly
21 possessed an Apple Mac Pro desktop computer, model number A1289, with
22 serial number YM0340BJEUH, that contained at least three videos of
23 child pornography, as defined in Title 18, United States Code,
24 Section 2256(8) (A), at least two of which videos involved
25 prepubescent minors and minors who had not attained 12 years of age,
26 that had been transported using any means and facility of interstate
27 and foreign commerce and in and affecting interstate and foreign
28 commerce by any means, including by computer, knowing that the videos

1 were child pornography.

2 The child pornography that defendant IBARRA knowingly possessed
3 consisted of the following:

- 4 1. A video titled "(Pthc) New 2016 Pedo Childlover 8Yo Daddy's
5 Little Girl Jm Compilation Titless Latina.mp4";
- 6 2. A video titled "Valya - 28.avi"; and
- 7 3. A video titled "pthc - snuff - 12Yo Child Rape and
8 Crying.mpg."

11 E. MARTIN ESTRADA
12 United States Attorney

13 

14 SCOTT M. GARRINGER
15 Assistant United States Attorney
Chief, Criminal Division

16 BENJAMIN R. BARRON
17 Assistant United States Attorney
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